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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy

Addendum

1. At its fifty-second session, the Commission on Human Rights, in its resolution 1996/49, took note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular standard information forms. The Commission, furthermore, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications.

2. The Special Rapporteur provided a standard reporting form to be used to document alleged instances of violence against women in an annex to her previous report. The same information form is also attached to the present report. In this connection, it should be emphasized once more that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is violence or threats of violence directed against women because of their gender.

3. The Special Rapporteur wishes to inform the Commission that she has transmitted communications to the Governments of Bangladesh (28 September 1996), Nepal (5 August 1996), the Republic of Korea (29 September 1996) and Sri Lanka (4 November 1996). In addition, the Special Rapporteur also issued a press release on the situation of women and girls in Afghanistan. The Special Rapporteur regrets to inform the Commission that only the Governments of the Republic of Korea and Sri Lanka replied to her request for clarification.

4. Bangladesh: The Special Rapporteur communicated her concerns to the Government of Bangladesh over the case of Kalpana Chakma, Organizing Secretary of the Hill Women's Federation, who was allegedly abducted from her home in New Lallyaghona village, Baghaichari Thana, Rangamati district, by six plain-clothes military agents on 12 June 1996. According to information received by the Special Rapporteur numerous discrepancies existed between what was originally reported to the police and the police report actually filed. The Special Rapporteur invited the Government of Bangladesh to provide clarifications on the case of Kalpana Chakma, which could potentially involve violations of the right to liberty and security of person and due process of the law, in accordance with articles 4 and 9 (1) of the International Covenant on Civil and Political Rights, as well as article 1 of the United Nations Declaration on the Elimination of Violence Against Women.

5. Nepal: The Special Rapporteur received information alleging that Lok Maya Adhikari was sentenced to one year in jail on 27 June 1995 by the Jhapa district court after being convicted of having had an abortion. The Special Rapporteur is concerned about information claiming that more than half of the maternal deaths in the five major Kathmandu hospitals result from abortion-related complications. The Special Rapporteur notes that abortion in Nepal is illegal and that the penalties for women who obtain abortions and for those who perform abortions range from three months' to three years' imprisonment. The Special Rapporteur is also concerned that, if Bill 2050 is adopted by Parliament, although abortion would be made legal, married women would require the consent of their husbands and unmarried women that of their parents in order to obtain an abortion, thereby restricting the rights of pregnant women to make their own reproductive choices. The Special Rapporteur has drawn the attention of the Government of Bangladesh to possible violations of provisions of, inter alia, the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights.

6. Republic of Korea: According to information received by the Special Rapporteur, Ae-Soon Koh was allegedly arrested on 4 December 1995 by investigators of the South Chill Province Administration Division and taken to Kwanju prison to await trial for charges against her. At the time of her arrest, Ae-Soon Koh was in an advanced stage of pregnancy and fell ill shortly after arriving in prison. On 26 December, the prison medical warden, allegedly without obstetric experience, conducted a preliminary medical examination and declared Ae Soon-Koh's condition as normal. Ms. Koh was allegedly denied any further medical care. On 31 January 1996, Ae-Soon Koh was granted temporary suspension of detention in order to deliver her baby. On 5 February the baby was allegedly stillborn. Information received by the

Special Rapporteur indicates that an attending obstetrician claimed that there was good reason to believe that the poor conditions and inadequate medical care at the prison greatly affected the unborn child's health.

7. In its reply of 27 December 1996, the Government of the Republic of Korea reiterated its unequivocal commitment to its obligations under international human rights instruments but stated that it could not accept any allegations that poor conditions and inadequate medical care at the prison had contributed to the death of Ae-Soon Koh's child. The Government of the Republic of Korea assured the Special Rapporteur that, given Ae-Soon Koh's pregnancy at the time of detention, police and prosecutors took special care of Ms. Koh and that, throughout the period of detention in Kwangju prison from 4 December 1995 to 31 January 1996, she was accommodated in a special room designed for pregnant prisoners. The Government asserted that five medical check-ups were carried out during that time and that no peculiar or threatening symptoms were detected. According to the Government, Ms. Koh had neither complained about her treatment to nor requested special treatment from the prison authorities. Furthermore, the Special Rapporteur was informed that Dr. Huh, Director of Eden Hospital in Kwanju, had concluded that there was no evidence linking the death of the child to her detention or any possible mistreatment in prison.

8. The Special Rapporteur is grateful for the detailed and open response provided by the Government of the Republic of Korea and takes note with satisfaction that the Government is making efforts to provide for female prisoners with special needs, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, as well as the International Covenant on Civil and Political Rights. In this context, the Special Rapporteur would like to emphasize the importance of ensuring appropriate facilities and services for all women detainees, and especially for those requiring specialized treatment.

9. Sri Lanka: According to information received by the Special Rapporteur, Krishanty Kumaraswamy, aged 18, was allegedly gang-raped by 11 members of the Sri Lankan security forces and subsequently killed after she disappeared from the Kaithady checkpoint, Jaffna, on 7 September 1996. It was alleged that her body, along with those of her mother, brother and a neighbour, were recovered and buried at State expense. The Special Rapporteur was encouraged to note that nine suspects had been arrested in connection with the rape and murder of Krishanty Kumaraswamy, her family and her neighbour and expressed her strong hope that every effort will be made by the Government to ensure that the perpetrators of the alleged crimes are prosecuted and convicted in a manner consistent with international human rights standards.

10. In its reply, the Government of Sri Lanka condemned the killing of Krishanty Kumaraswamy and stated that the case did not represent a pattern since recent military operations had been conducted without major civilian casualties and collateral damage. The Special Rapporteur was further informed that a police investigation and magisterial inquiry were carried out in connection with Ms. Kumaraswamy's case. According to information provided by the Government, the courts decided, after non-summary proceedings held on 18 November 1996, that further judicial inquiries would be held in Jaffna to facilitate, inter alia, access to witnesses.

11. Afghanistan: In response to persisting reports of violence against Afghan women and girls perpetrated by the Taliban movement, the Special Rapporteur issued a press release on 7 November 1996 (HR/96/65), expressing her earnest concern over violations of the right to liberty and security of person, the right to equal status and freedom from all forms of discrimination, the right to equal access to education and the right to work of women and girls. The Special Rapporteur urgently appealed to the leader of the Supreme Council of the Taliban movement, Mullah Mohammad Omar, to reinstate respect for human rights of women by lifting its ban on women's participation in civil society and entreated all parties to the conflict in Afghanistan to respect basic principles of international human rights and humanitarian law and safeguard the human rights of all Afghan people.

12. The Special Rapporteur also takes note of a communication dated 10 April 1996 from the Government of Singapore, regarding the case of Flor Contemplacion described in her previous report (E/CN.14/1995/53, para. 85). The said communication has been circulated in document E/CN.4/1996/158.

Annex

CONFIDENTIAL

VIOLENCE AGAINST WOMEN

INFORMATION FORM

INFORMER:

Name of person/organization: _____

Address: _____

Fax/Tel/e-mail: _____

VICTIM(S):

Name: _____

Address: _____

Date of birth: _____

Nationality: _____

Sex: female _____

Occupation: _____

Ethnic background (if relevant): _____

Marital status: _____

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THE INCIDENT

Date: _____ Time: _____

Location/country: _____

Number of assailants: _____

Are the assailant(s) known to the victim? _____

_____

Description of the assailant(s) (include any identifiable features): _____

_____

Description of the incident: _____

_____

_____

Does the victim believe she was specifically targeted because of gender? _____

If yes, why? _____

_____

_____

Has the incident been reported to the relevant State authorities? _____

If so, which authorities and when? _____

_____

Actions taken by the authorities after the incident: _____

_____

_____

WITNESSES:

Were there any witnesses? _____

_____

Name/age/relationship/contact address: _____

_____

PLEASE RETURN TO THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, CENTRE FOR HUMAN RIGHTS, UNITED NATIONS, 1211 GENEVA 10, SWITZERLAND, (FAX: (41.22)917.02.12)

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